UNITED
NATIONS

E

Economic and Social
Council

Distr.
GENERAL

E/CN.4/1991/NGO/24
31 January 1991

ENGLISH
Original: FRENCH

COMMISSION ON HUMAN RIGHTS
Forty-seventh session
Agenda item 10

QUESTION OF THE HUMAN RIGHTS OF ALL PERSONS SUBJECTED TO ANY FORM OF DETENTION OR IMPRISONMENT

Written statement submitted by the International Federation of Human Rights, a non-governmental organization in consultative status (category II)

The Secretary-General has received the following communication, which is circulated in accordance with Economic and Social Council resolution 1296 (XLIV).

[21 January 1991]

1. In agreement with the French League for Human Rights, the International Federation of Human Rights (FIDH) organized a mission in France to ascertain the current state of progress of the pending judicial proceedings for crimes against humanity in respect of individuals who exercised French administrative authority at the time of the deportation of 76,000 Jews from France between 1940 and 1945.

2. FIDH's initiative was prompted by fact that, 45 years after the end of the Second World War, France has so far failed to bring to trial anyone of French nationality who was responsible for the deportation of Jews.

3. FIDH notes that France has always presented the image of a home of human rights, as emphasized by the recent commemoration of the bicentennial of the French Revolution.

4. Yet, France was the only one of the Western European countries occupied by Germany during the War to adopt its own anti-Semitic policy and independent anti-Semitic legislation. Without the assistance of the French administrative authorities and the French police, the German occupation authorities, which did not have the necessary forces, would not have been able to list, identify, arrest and deport 76,000 Jews.

5. Moreover, when the implementation of the "final solution" began, the Vichy régime voluntarily offered to arrest foreign Jews in the unoccupied zone and turn them over to the Germans; René Bousquet, Secretary-General of the Vichy police, even proposed that Jewish children should be included in the deportation trains.

6. However, after this period of collaboration, France has shown a manifest refusal to examine the real responsibilities in the collaboration process; while Pétain, Laval and other French officials were tried, the French State, through the Department of Public Prosecution, has never brought any proceedings against French administrative officials who collaborated in the "final solution".

7. Even more serious, when the victims or their families have filed civil claims, the investigation of these claims has made unusually slow progress, to say the least. The case of Jean Leguay, deputy to René Bousquet, Secretary-General of the Vichy police, is particularly revealing. His guilt was established only after an investigation lasting 10 years. The investigation was brought to a close by the death of the accused, who thus escaped conviction.

8. Paul Touvier, regional chief of the Militia, was arrested only in 1989, 16 years after complaints had been lodged by relatives of members of the Resistance. It also took the French judicial authorities eight years to carry out an arrest warrant against him.

9. In December 1981, four complaints accompanied by civil claims were lodged against Maurice Papon, former Secretary-General of the Gironde Prefecture. In 1990, the investigation had still not been completed.

10. Lastly, it may be noted that the proceedings concerning René Bousquet, resulting from complaints lodged against him on 3 December 1989, have for 18 months been held up by the problem of the competence of the court responsible for investigating the case. It is to be feared that these proceedings, like those involving his former deputy, Jean Leguay, will be terminated by the death of the accused.

11. Suffice it to recall that the French Government was outstandingly efficient in investigating and organizing the trial of Klaus Barbie, of German nationality, who was also prosecuted for crimes against humanity. This raises the legitimate question whether double standards are being applied, depending on whether the trial of German nationals or of French nationals responsible for deporting 76,000 Jews is concerned.

12. In any event, FIDH considers that these crimes form part of the common memory of mankind and cannot be allowed to be shamefully concealed because of a possible decision by one French authority or another or through procedural subterfuges by judges subscribing to the prevailing political philosophy.

13. FIDH intends to keep a close watch on the progress of these proceedings and expresses the hope that the image of France as the home of human rights will be reflected not only in commemorative celebrations but also in the exercise of a justice characterized by rapidity, impartiality and independence.

- - - - -

UNITED
NATIONS

E

Economic and Social
Council

Distr.
GENERAL

E/CN.4/1991/NGO/25
1 February 1991

Original: ENGLISH

COMMISSION ON HUMAN RIGHTS
Forty-seventh session
Agenda item 20

RIGHTS OF PERSONS BELONGING TO NATIONAL, ETHNIC, RELIGIOUS AND LINGUISTIC MINORITIES

Written statement submitted by Romani Union, a non-governmental organization on the Roster

The Secretary-General has received the following communication which is circulated in accordance with Economic and Social Council resolution 1296 (XLIV).

[24 January 1991]

1. The Romani Union, representing well over 15 million Roma (including Gypsy Sinti, etc.) throughout the world through their national and regional organizations, strongly feels that, to ensure to the whole human family a dignified existence, the rights of persons belonging to national, ethnic, religous and linguistic minorities can best and soonest be guaranteed through education.

2. In this connection, we wish to quote from The Promise of World Peace:

"The cause of univeral education, which has already enlisted in its service an army of dedicated people from every faith and nation, deserves the utmost support that the Governments of the world can lend it. For ignorance is indisputably the principal reason for the decline and fall of peoples and the perpetuation of prejudice. No nation can achieve success unless education is accorded to all its citizens. Lack of resources limits the ability of many nations to fulfil this necessity, imposing a certain ordering of priorities. The decision-making agencies involved would do well to consider giving first priority to the education of women and girls, since it is through educated mothers that the benefits of knowledge can be effectively and rapidly diffused throughout society. In keeping with the requirements of the times, consideration should also be given to teaching the concept of world citizenship as part of the standard education of every child.

"A fundamental lack of communication between peoples seriously undermines efforts towards world peace. Adopting an international auxiliary language would go far toward resolving this problem and necessitates the most urgent attention."

(The Promise of World Peace, a statement by the Universal House of Justice, Baha'i World Centre, p.12, ISBN 085398-216-3).

3. Among its members, the Romani Union uses its own ancient international auxiliary language: an example nations might soon wish to follow and thus contribute to reducing human rights violations.

4. As Roma, Gypsy, Sinti do have their own unique national, ethnic, religious and linguistic heritage, unity in diversity, they do long to stop encountering prejudice everywhere and start living in a world where they are respected as world citizens. They thus greatly welcome the efforts of the Commission on Human Rights and especially look forward to the World Conference on Human Rights.

5. Despite the constant remarkable progress made, thanks especially to the efforts of the United Nations, there is much prejudice to dispel and genocide attempts to prevent! - The Romani Union is thus most grateful to all who actively contribute to overcoming prejudice and so reduce human rights violations, thus making our planet Earth a safe and happy place for all future generations.

UNITED
NATIONS

E

Economic and Social
Council

Distr.
GENERAL

E/CN.4/1991/NGO/26
1 February 1991

Original: ENGLISH

COMMISSION ON HUMAN RIGHTS
Forty-seventh session
Agenda item 25

THE ROLE OF YOUTH IN THE PROMOTION AND PROTECTION OF HUMAN RIGHTS, INCLUDING THE QUESTION OF CONSCIENTIOUS OBJECTION TO MILITARY SERVICE

Written statement submitted by the International Humanist and Ethical Union, a non-governmental organization on the Roster

The Secretary-General has received the following communication which is circulated in accordance with Economic and Social Council resolution 1296 (XLIV).

[28 January 1991]

1. At its forty-fifth session the Commission on Human Rights, without a vote, adopted resolution 1989/59 on conscientious objection to military service. This resolution, recognizing that "... conscientious objection... derives from principles and reasons of conscience, including profound convictions, arising from religious or similar motives", and is a legitimate exercise of the right to freedom of thought, conscience and religion as laid down in article 18 of the Universal Declaration of Human Rights and article 18 of the International Covenant on Civil and Political Rights, appeals to States to enact legislation and to take measures aimed at exemption from military service in such genuine cases. It recommends to those maintaining compulsory military service that, where not in existence, they introduce appropriate forms of alternative service for conscientious objectors that are in the public interest and are non-combatant or civilian in character.

2. In its preambular paragraphs, resolution 1989/59 refers to relations between the right to life, liberty and security of person and to freedom of thought, conscience and religion, and recalls its resolution 40 (XXXVII) of March 1981 stressing the need for better understanding of circumstances in which military service might be objected to on grounds of conscience. It notes, too, the importance of youth in promoting international peace, co-operation and human rights.

3. In this last connexion it may be observed that under present conditions there may be many reasons for partial as well as total objection - e.g. that violence cannot be justified in respect of special purposes or means used for armed combat, such as illegal occupation of foreign territory; practices approaching genocide or other gross violations of human rights; and use of weapons of mass destruction or of those which cause unnecessary suffering.

4. Just as today there are many practical reasons for conscientious objection, so there are today many grounds for profound conviction in these matters, whether religious, ethical, humanitarian, philosophical or similar. In this latter regard, the present position concerning grounds for conscientious objection still needs to be greatly clarified, even in States which already accept the principle. For historical reasons, and since in the past an absolute "yes/no" criterion was taken to afford straightforward evidence for making such distinctions, discrimination is still being widely practised in this matter between the rights of mainstream religious adherents and those of agnostics or other non-believers. The fact is that in this century reasons for conscientious objection, and also pacifism, have broadened and developed, so that they may now include either belief in specific religious doctrines or a more generalized life stance embracing both personal responsibility and ethical, humanitarian or similar profound convictions.

5. That this is not a trivial or pedantic but a fundamental question is shown by the fact that it has recently received specific attention from Mr. Angelo Vidal d'Almeida Ribeiro, the Commission's Special Rapporteur, in his report on the implementation of the Declaration on the Elimination of all Forms of Intolerance and of Discrimination Based on Religion or Belief (E/CN.4/1990/46), submitted to the forty-sixth session.

6. After expressing concern about problems in certain States arising from the separate religious practices of foreign nationals, the report continues (para. 113):

7. "The Special Rapporteur would like to draw attention to another limitation in the existing international instruments with regard to freedom of thought, conscience, religion or belief. A broadly based school of legal thought maintains that the individual should be free not only to choose among different theistic creeds and to practise the one of his choice freely, but also to have the right to view life from a non-theistic perspective without facing disadvantages vis-à-vis believers. The Special Rapporteur thinks that, in the same way as believers must enjoy their right to practise their religion unhindered, non-believers (freethinkers, agnostics and atheists) should not be discriminated against. The rights of non-believers should be properly guaranteed in a new international instrument."

8. It is the purpose of the present document to point to this remaining "grey area" insofar as it affects the Commission's very comprehensive and timely resolution 1989/59, and to suggest that in the current world climate, in which all ethical and idealistic components of responsible public opinion play a major part in promoting human rights and duties, equal weight should be given to sincere moral or ethical convictions - be they religious, non-theistic or atheistic - in appraising the individual motivations of conscientious objectors. It is here proposed that the Commission, also recognizing the role of youth in this field, now consider according full and explicit recognition to this principle.

UNITED
NATIONS

E

Economic and Social
Council

Distr.
GENERAL

E/CN.4/1991/NGO/27
1 February 1991

Original: ENGLISH

COMMISSION ON HUMAN RIGHTS
Forty-seventh session
Agenda item 12

QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS IN ANY PART OF THE WORLD, WITH PARTICULAR REFERENCE TO COLONIAL AND OTHER DEPENDENT COUNTRIES AND TERRITORIES

Written statement submitted by Amnesty International, a non-governmental organization in consultative status (category II)

The Secretary-General has received the following communication which is circulated in accordance with Economic and Social Council resolution 1296 (XLIV).

[10 January 1991]

THE HUMAN RIGHTS SITUATION IN EQUATORIAL GUINEA

1. Efforts by the United Nations and others to encourage respect for human rights in Equatorial Guinea appear to have had little positive effect. Since the overthrow in 1979 of the Government of Francisco Macias Nguema, which was notorious for its gross human rights violations, the present Government has repeatedly stated its intention to restore fundamental human rights. In 1982 it agreed to a Plan of Action proposed under the United Nations Advisory Services Programme: in 1986 it ratified the Organization of African Unity's African Charter on Human and People's Rights and in 1987 it acceded to the International Covenant on Civil and Political Rights. Nevertheless, even the most fundamental human rights safeguards have yet to be implemented. Over the last three years Amnesty International has been able to obtain first-hand testimonies of human rights violations in Equatorial Guinea. This new information has confirmed a pattern which began to emerge in the early 1980s of sporadic waves of arrests of suspected political opponents followed by torture, unfair trials and the use of the death penalty.

2. In late 1990 several people were reportedly arrested because of the non-violent expression of their political views. They apparently supported the adoption of a multi-party political system in Equatorial Guinea, where only one party is allowed by law, the Partido Democratico de Guinea Ecuatorial (PDGE), the Equatorial Guinea Democratic Party led by President Teodoro Obiang Nguema Mbasogo. In November 1990, Antonio Ebang Mbele, the Vice-President of the Cámara de Representantes del Pueblo (Chamber of People's Representatives), was reportedly stripped of his parliamentary privileges and placed under house arrest after he proposed that the Chamber of People's Representatives should debate political pluralism. This was after the PDGE Central Committee had passed a resolution stating that the country "could adapt" to political pluralism. In early December 1990 at least seven people were reportedly arrested, either for their suspected support for a multi-party political system or because of their alleged contacts with opposition political parties abroad. They included Marcelina Asumu Nsué, a former Minister of Agriculture, two civilians and four soldiers. In early January 1991 it was reported that Antonio Ebang Mbele had left Micomeseng, a town on the northern border of the mainland province of Rio Muni, where he had been placed under house arrest, and gone into exile. Amnesty International continues to seek information about those detained.

3. During 1990 six prisoners of conscience continued to serve prison sentences imposed after an unfair trial in 1988. They were among some 40 people arrested in August 1988 following the visit to Equatorial Guinea of Severo Moto Nsa, the President of an opposition political party, Partido del Progreso de Guinea Ecuatorial, Equatorial Guinea Progress Party, established in exile. Severo Moto Nsa failed in his objective - to obtain permission for the Progress Party to operate legally in Equatorial Guinea - and returned to Spain. However, the party's Secretary-General, who had returned to Equatorial Guinea with Severo Moto Nsa, and dozens of other suspected members of or sympathizers with the Party, were arrested in August 1988. Most were severely tortured and forced to sign statements incriminating themselves and others. All but nine were released in early September 1988.

4. The trial of these nine detainees in September 1988 was characterized by defects similar to those of previous political trials by ad hoc military courts in 1981, 1983, 1985 and 1986. These courts lack independence and impartiality. Their procedures, which severely curtail the rights of the defence, are based on the Spanish Code of Military Law of 1945 - now obsolete in Spain - which has not yet been revised despite efforts under the United Nations Advisory Services Programme to assist Equatorial Guinea with the drafting of new criminal and procedural codes. The defendants had access to defence counsel only once before the trial and then only for a few minutes. The court apparently admitted as evidence statements made under torture; the prosecution produced no material or other evidence which corroborated the statements. All nine defendants were convicted of attempting to overthrow the Government. Two were sentenced to death. The others received sentences of between 12 and 30 years' imprisonment. There was no right of appeal. The two death sentences were commuted by presidential decree to 30-year prison terms shortly after the trial. Three of the prisoners, those who had formerly resided in Europe, were subsequently released on the orders of the President and the sentences of the others were reduced. Amnesty International considers that the six remaining in prison are prisoners of conscience and continues to appeal for their release.

5. During 1990 Amnesty International received further details of the torture of political prisoners in 1988 and reports of the torture of people suspected of ordinary criminal offences in 1989 and 1990. No safeguards against torture have been introduced. Nor has any legislation been introduced to give effect to the constitutional provisions of habeas corpus and amparo.

6. Accounts that reached Amnesty International in 1990 confirm how former political prisoners arrested in August 1988 were moved from prison at night and taken for interrogation at an army training centre near Bata, the capital of Rio Muni province. According to former prisoners, Moroccan soldiers seconded to Equatorial Guinea under a bilateral agreement were in charge of the interrogations: apparently they also took part in torture and sometimes restrained their Equatorial Guinean colleagues when the brutality went too far and it appeared that a victim might lose consciousness or die. The victims were usually suspended from beams or bound in painful positions and then subjected to severe beatings, partial suffocation and electric shocks. Senior Government officials reportedly attended torture sessions as observers.

7. Reports of torture in 1989 and 1990 mainly concerned people suspected of ordinary criminal offences, 10 of whom are reported to have died as a result. In early 1989, over 20 people were arrested after a football player was killed in a road accident and accused of killing the footballer and other people by using sorcery. Nine were reported to have died as a result of torture. The survivors were reportedly tried and acquitted in mid-1989. In another case, in early 1990, José Eneme, Equatorial Guinea's Consul in Douala, Cameroon, and his friend, Alberto Nsué, were arrested in Equatorial Guinea and accused of using sorcery to cause the death in a road accident of José Eneme's deputy. Alberto Nsué reportedly died as a result of torture while José Eneme sustained injuries. José Eneme was reportedly tried in May 1990 and given a death sentence which was later commuted to 30-years' imprisonment.

8. Torture has been used not only to extract confessions but also to intimidate and punish prisoners. Political prisoners arrested in August 1988 were beaten and many kept blindfolded and handcuffed during the days before the interrogations started. Some of those convicted in September 1988 were kept blindfolded and bound for long periods after their trial. Reports indicate that criminal prisoners have been severely beaten and ill-treated and that women have been raped by guards.

9. Only on two occasions are those responsible for violating the basic human rights of prisoners known to have been prosecuted. In both cases foreigners were among the victims. In May 1985 two policemen who apparently arrested and shot a Nigerian labourer were tried and given prison sentences after protests from the Nigerian Government. In October 1989 two policemen were convicted of ill-treating several prisoners who had been arrested for public order offences in Malabo in September 1989: a British official of the World Bank who had protested at their treatment was also reportedly bound and beaten.

10. In a report on torture published in September 1990 Amnesty International called on the Government to set up an independent and impartial inquiry into reports of torture, to prosecute those suspected of torturing prisoners and to introduce and implement specific safeguards against torture.

11. Two weeks later the Government announced that it had set up a national human rights commission attached to the Chamber of People's Representatives. According to press reports this commission was to be an independent body empowered to investigate alleged human rights violations, publicize the Government's efforts in the field of human rights and liaise with other human rights organizations. Amnesty International asked the Government for information about the commission's composition, its terms of reference, and how its independence would be guaranteed. There was no response to this request and Amnesty International has received no other information to indicate that the commission has actually been established.

12. In October 1990 Amnesty International received an invitation from the Government to visit Equatorial Guinea. After its last visit in January 1988, Amnesty International submitted a number of communications recommending safeguards against torture and other abuses. The Government did not respond, nor has it implemented any of the measures. Amnesty International has recently urged the Government to reconsider these recommendations to see if some, at least, can be implemented before the organization's representatives visit the country again.

13. Meagre progress towards the implementation of basic human rights safeguards has been made in the eight years since the Government of Equatorial Guinea accepted the United Nations Plan of Action, despite continued assistance from the United Nations. Amnesty International considers that the Commission on Human Rights should review how it can best assist the Government to find prompt and effective remedies which will halt this alarming pattern of human rights violations.

UNITED
NATIONS

E

Economic and Social
Council

Distr.
GENERAL

E/CN.4/1991/NGO/28
4 February 1991

Original: ENGLISH

COMMISSION ON HUMAN RIGHTS
Forty-seventh session
Agenda item 7

QUESTION OF THE REALIZATION IN ALL COUNTRIES OF THE ECONOMIC, SOCIAL AND CULTURAL RIGHTS CONTAINED IN THE UNIVERSAL DECLARATION OF HUMAN RIGHTS AND IN THE INTERNATIONAL COVENANT ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS, AND STUDY OF SPECIAL PROBLEMS WHICH THE DEVELOPING COUNTRIES FACE IN THEIR EFFORTS TO ACHIEVE THESE HUMAN RIGHTS

Written statement submitted by Habitat International Coalition, a non-governmental organization on the Roster

The Secretary-General has received the following communication which is circulated in accordance with Economic and Social Council resolution 1296 (XLIV).

[7 January 1991]

1. The human right to adequate housing, recognized in many of the texts comprising international human rights law, remains an unfulfilled right for over one billion persons. 1/ As the United Nations Global Strategy for Shelter to the Year 2000 (GSS) has appropriately noted: "No nation can claim to have reached the objective of adequate shelter for all citizens ...". 2/ Homelessness and inadequate shelter conditions are, to varying degrees, facts of life in all States, in most countries these problems are increasing rather than coming closer to a solution.

2. Habitat International Coalition respectfully submits to the Commission that the time has come for operationalizing the right to housing. Although they remain inadequate, some important steps have been taken since the International Year of Shelter for the Homeless (IYSH) in 1987. The Committee on Economic, Social and Cultural Rights has totally revised its guidelines for States' reports, including a much more robust and mature view of housing rights. The Committee has also held a "general discussion" on this right at its fourth session (1990). They declared at least one State to be in violation of the obligations inherent in this right during their fifth session.

3. At another level, the United Nations Special Rapporteur on the Realization of Economic, Social and Cultural Rights of the Sub-Commission, Mr. Danilo Türk, addressed the issue of the right to adequate housing extensively within his first progress report, in the context of further standard setting (E/CN.4/Sub.2/1990/19, pp. 38-42). During the debate of this report, all Sub-Commission members who spoke on the theme of housing rights supported the desirability of carrying out a study on housing rights. While many other instances could be noted, the fact remains that with the exception of two rather generally-worded resolutions (1986/36 and 1987/22), the Commission itself has rarely addressed the specific aspects of this right.

4. Habitat International Coalition is convinced that action by the Commission on the issue of housing rights can prove fruitful and worth-while in terms of encouraging the realization of this right throughout the world; however, the Coalition fully recognizes the loaded agenda and limited resources of the Commission.

5. Among the many actions felt to be of particular importance, each of which, in practice, could be carried out by the Commission in the quest of fully addressing housing rights, are the following stated below.

6. Condemning the practice of mass and forced evictions as fundamental violations of the human right to adequate housing: the forced or arbitrary eviction of people from their homes against their will is a widespread and global practice of States. Millions of people are forcibly evicted from their homes annually throughout the world; each one is an individual victim of housing rights violations.

7. Discussing the possible drafting and adoption of a code of conduct on evictions, recognizing that in the vast majority of instances, evictions cannot be justified if human rights criteria are applied: where evictions absolutely cannot be prevented or where they are carried out in the true interests of those being moved, with their full consent, the application of a code of conduct could prove a valuable tool aimed at strengthening the housing rights of affected persons and groups.

8. Discussing the possible drafting and adoption of an international declaration or convention on housing rights, thereby giving this still underdeveloped right the precision, scope, expanse and clarity it requires to become fully operationalized: while housing rights exist within many

international legal texts, the general nature of the entitlements and obligations inherent in it continue to restrict the necessary strength which should be accorded this fundamental attribute of a full life. General principles within such a text should, at a minimum, include: security of tenure, affordability; accessibility; habitability; dweller control and participation; choice; non-discrimination; and access to effective legal remedies.

9. Encouraging the International Labour Organisation to fully revise its Recommendation No. 115 on Workers' Housing, which is, we hope, outdated and if applied in full, potentially destructive of the very notion of housing rights: with the exception of the Vancouver Declaration on Human Settlements (1976), the International Labour Organisation Recommendation No. 115 is the only other international text concerned specifically with housing. Its current form legitimizes the eviction of "slum dwellers" and overemphasizes "employer-provided housing", to mention just two of its many inadequacies. For these and other reasons, the International Labour Conference recommended the revision of this text in 1987 (res. III); however, no action has been taken to date.

10. Encouraging the Special Rapporteur on the Realization of Economic, Social and Cultural Rights to continue his work surrounding the right to housing in the context of further standard setting, and the Sub-Commission as a whole to pursue the issue of housing rights with vigour, perhaps by appointing one expert to carry out a study on housing rights: there seems to be every reason for the Sub-Commission to be encouraged to carry out a study on housing rights, similar in form to the study on the right to food, completed in 1989. Indeed, without such a comprehensive and accessible study, housing rights will continue as a vague and unenforceable norm.

11. Encouraging the secretariat to initiate activities surrounding the right to adequate housing, including the publication of a human rights fact sheet on housing rights as part of the World Information Campaign for Human Rights: such a fact sheet could provide a broad overview of what the United Nations is doing and has done within the domain of housing rights, what this right actually means in both practical and legal terms, and which specific measures might be required to make this right a more prominent global reality.

12. Encouraging the United Nations Centre and Commission on Human Settlements to include human rights and thus housing rights criteria within the indicators of monitoring progress on the goals contained in the Global Strategy for Shelter to the Year 2000, currently being developed by these fellow members of the United Nations family: if traditional housing indicators are not broadly expanded to include essential elements directly relevant to housing rights, there is little chance that these will be useful within the human rights domain. The numbers of homeless persons and those inadequately housed, the percentage of people with adequate security of tenure, the access to credit and building materials, issues of housing and environmental health and many other "new" indicators require immediate attention, development, refinement and collection.

13. Encouraging States to adopt legislation which guarantees adequate, fair and sustainable security of tenure to all inhabitants: study after study has shown that legal security of tenure acts as a prerequisite for people investing in the improvement of their own homes, as well as for their feeling secure and legally protected against eviction. However, hundreds of millions of dwellers continue to exist with only limited tenure or none at all.

14. Adopting the recommendation made by the Special Rapporteur on the Realization of Economic, Social and Cultural Rights of the Sub-Commission, Mr. Danilo Türk, to consider requesting the Secretary-General to organize a seminar for discussion of appropriate indicators to measure achievements in the progressive realization of economic, social and cultural rights: within the context of such a seminar, housing rights specific indicators could be discussed, refined and eventually incorporated into the work of the United Nations human rights bodies.

15. Encouraging the United Nations Committee on Economic, Social and Cultural Rights, as a matter of priority, to draft an Optional Protocol to the Covenant enabling individuals and groups to forward applications to the Committee: economic, social and cultural rights, if they are truly equal to and interdependent with civil and political rights, must be subject to legally based complaints from alleged victims of violations of these norms.

Notes

1/ For instance: Covenant on Economic, Social and Cultural Rights (art. 11 (1)); Universal Declaration on Human Rights (art. 25); Convention on the Elimination of All Forms of Racial Discrimination (art. 5), *et al*.

2/ General Assembly resolution 43/181 of 20 December 1988.

UNITED
NATIONS

E

Economic and Social
Council

Distr.
GENERAL

E/CN.4/1991/NGO/29
12 February 1991

Original: ENGLISH

COMMISSION ON HUMAN RIGHTS
Forty-seventh session
Agenda item 12

QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS IN ANY PART OF THE WORLD, WITH PARTICULAR REFERENCE TO COLONIAL AND OTHER DEPENDENT COUNTRIES AND TERRITORIES

Written statement submitted by the World Confederation of Labour, a non-governmental organization in consultative status (category I)

The Secretary-General has received the following communication, which is circulated in accordance with Economic and Social Council resolution 1296 (XLIV).

[29 January 1991]

Statement on human and workers' rights in Iran

1. The World Confederation of Labour (WCL) continues to be concerned about the human rights situation, and in particular the condition of workers, in Iran. Numerous reports, including those by official sources of the Islamic Republic of Iran and international organizations, indicate that the abuse of human rights in Iran continues unabated. Since 1981, more than 90,000 political prisoners have been executed and more than 140,000 have been imprisoned and tortured by the present régime for political reasons.

2. An assessment of the list of names and particulars of more than 16,000 victims of political executions since 1981 reveals that about 20 per cent of the victims were blue and white-collar workers who in some way supported the National Council of Resistance of Iran (NCRI). Among those executed were Mr. Ahmad Aghaie, who was executed on 6 February 1990 in Tabriz, and Mr. Mohammad Sedegh Azizi, who was executed in 1990 in Tehran. Such executions still continue and are a cause of concern of WCL.

3. A resolution on Iran was ratified by the 22nd Congress of WCL on 24 November 1989 in Caracas, Venezuela. This resolution condemns the grave violation of human rights and workers' rights in Iran and refers to the deplorable conditions in the same year, during which no improvements were made and the most elementary rights of the Iranian people and workers continued to be violated in an unimaginable way. This resolution also expresses support for the NCRI and calls upon its fraternal organizations to adopt similar stances in respect of Iran.

4. Many international and human rights organizations have in the past strongly and on numerous occasions condemned the violation of human rights in Iran. Among those, one can mention resolution 1990/9 passed by the United Nations Sub-Commission on Prevention of Discrimination and Protection of Minorities on 30 August 1990. Whilst welcoming such resolutions, the WCL calls upon the United Nations Commission on Human Rights to take similar steps.

5. In the past 10 years, the Islamic Republic of Iran has continuously used summary executions in its foreign and domestic policies. The continuation of this policy by the authorities in Iran can only indicate their contempt for human rights.

6. In April 1990, the World Confederation of Labour learnt about the assassination of Professor Kazem Rajavi, a well-known human rights advocate and the representative of the Iranian Resistance in Switzerland. As confirmed by the Swiss Justice officials, all the evidence converges on the direct involvement of one or more official Iranian services in this murder. Swiss investigations also established the identities of 13 of the Iranian régime's terrorists carrying service passports marked "on assignment". We were deeply shocked and regret the loss of this well-known dignitary who devoted his life to the cause of human rights and resistance for peace and democracy in Iran.

7. The WCL is deeply concerned about the execution of hundreds of people by the Iranian régime since January 1990. These executions have been confirmed by the State-run press. These include the public hanging of 48 people on 5 September 1990 in Mashad. Various reports indicate that many of the victims of public executions in different Iranian towns are political prisoners who are publicly executed to create an atmosphere of fear among the people.

8. The present régime, by its own explicit admission, is pursuing and will continue to pursue Khomeini's policies, as confirmed by the remarks made on 17 May 1989 by Rafsanjani, who said "the spirit of our country's policies is that course set by the late Imam [Khomeini]". More than a year and a half after these remarks, we witness an escalation in the violation of human rights

in Iran and terrorism outside Iran. These abuses have continued particularly in the wake of the first visit to Iran by the United Nations Special Representative, and the content of his deplorable report has been revealed for the public's judgement in the book "Human Rights Betrayed". There is no doubt that the current régime in Iran does not tolerate any changes in way of respecting human rights, democracy, freedom, and fulfilment of workers' rights.

9. The violations of the rights of the Iranian people especially those of workers have continued through the United Nations Special Representative's second visit in October. Unfortunately, the United Nations team, while in Iran, reportedly limited its activities to meetings with the régime's officials, rather than visiting the mass graves, prisons, and torture chambers where hundreds of workers have been buried or detained.

10. The shortcomings of Mr. Galindo Pohl's second mission and subsequent report notwithstanding, he has to some extent in his latest report corrected the errors of the earlier report. The Special Representative has explicitly stated in his November report that human rights violations continue in the Islamic Republic of Iran and that the number of officially announced executions far exceeds internationally recognized norms. He has reported that torture, censorship, and repression continue to be imposed by government agents, and the climate of terror is such that even parliamentary deputies do not dare to openly express their views.

11. When being tried, a great many defendants are deprived of their right to counsel, and in general attorneys are afraid to take on political cases. Consequently, the majority of trials are not genuine.

12. The November report also clearly demonstrates that Mr. Galindo Pohl's visit to Iran was orchestrated by the ruling régime, for which reason his requests to visit Gohardasht Prison and meet with a number of prisoners were denied.

13. Flagrant violations of workers' rights in Iran, including gross infringements of the few conventions to which Iran is a signatory, continue unabated. Workers are not allowed to organize, to defend their rights, or to protest. The only trade unions allowed to operate in Iran are affiliated with the régime and are used to further the State's repression of workers.

14. In meetings between the Special Representative and such so-called workers' representatives, the individuals' statements were all favourable to the régime, albeit the rampant hardships, torture and executions of Iran's workers. Such flattering testimony only confirms that the said agencies are government-run and the visits stage-managed.

15. The situation of women in the Islamic Republic of Iran is so appalling that it defies appraisal in accordance with recognized norms. Women are not only deprived of their fundamental rights, as are men, but in accordance with the prevailing view, are essentially regarded as second-class citizens.

16. The representative of the "Organization of Iranian Women" told the Special Representative in a meeting that women's "only complaint was that not all Islamic rules were as yet fully implemented. They thought it a cruelty to pretend that men and women are equal, since the two sexes had very distinct characteristics". Like its counterpart "labour unions", this made-to-order organization of the Islamic Republic of Iran propagates the notion of women as second-class citizens rather than defending the rights of Iran's women.

17. Elsewhere, the Special Representative's report notes that "women in the Islamic Republic of Iran have suffered from various acts of discrimination ... A husband, father or brother may kill his wife, daughter or sister when she commits an immoral or unchaste act ... A woman's testimony in court was considered to be worth half that of a man", and a father has the right to "marry off his young [nine-year-old] daughter to anyone he considers suitable, in exchange for a sum of money".

18. Iranian women must work more for less wages while also bearing the heavy responsibilities of the home. In addition, they are banned from numerous professions, including becoming judges.

19. WCL, as in the past, condemns the present régime in Iran for its violation of workers' and human rights. WCL expresses its support for the NCRI for the establishment of democracy and freedom in Iran. WCL reiterates its call on the Commission on Human Rights to condemn the Iranian régime for flagrant and continuing violation of the most basic human rights. While commemorating Professor Kazem Rajavi, who was active for many years in international bodies, including the United Nations Commission on Human Rights, WCL strongly condemns his assassination.